

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

United States of America

v.

Nima Attarpour Yazdi

Case No.

A:17-m-134

FILED
17 FEB -9 PM 1:40
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: AD
DEPUTY CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 20th, 2016 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 18, Section 844(e)

Title 18, Section 922(g)

Offense Description

Through the use of mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning and attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by mean to wit; bomb threat.
Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attachment.

☒ Continued on the attached sheet.
Complainant's signature

Special Agent Susana Haberman

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/9/2017City and state: Austin, Texas
Judge's signature
Mark Lane
United States Magistrate Judge
Printed name and title

Attachment

The following information is a result of my investigation and information provided to me by other law enforcement sources:

Your affiant is Special Agent Susana Haberman, who is employed by the Federal Bureau of Investigation and is currently assigned to the Joint Terrorism Task Force. Your affiant has been a special agent for over 12 years and has experience working bombing related offenses.

Title 18, United States Code, Section 844(e) makes it unlawful to use the telephone or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, to willfully make any threat, or maliciously convey false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive.

Title 18, United States Code, Section 922(g) Felon in Possession of a Firearm, which makes it unlawful for a person to knowingly possess a firearm which has been shipped or transported in interstate or foreign commerce after that person has been convicted for a crime punishable by imprisonment for a term exceeding one year.

During the month of December 2016, your affiant was contacted by a Seton Hospital employee with information regarding a bomb threat called into Seton Hospital; the hospital is located at 1201 W. 38th Street, Austin, Travis County, Texas, which is within the Western District of Texas. The Seton Hospital caller identification system identified the caller's name as Yazdi, Nima, and a phone number of (310) 650-6508. Yazdi had made numerous calls to the hospital threatening to rape and kill employees of Seton Hospital and threatening the hospital with an explosive device of some type. Your affiant conducted a computerized check of the Austin Police Department database using "Nima Yazdi" as the subject of the query. Your affiant found police reports identifying Nima Attarpour Yazdi as residing at 706 E. 45th Street, Austin, Travis County, Texas. A records check revealed that Nima Attarpour Yazdi has been arrested on 13 prior occasions for various offenses, including convictions for narcotics offenses, assault, unauthorized use of a vehicle, and robbery offenses. Yazdi has been convicted of at least one felony conviction in the State of Texas, including a 2007 Robbery conviction.

On November 30, 2016, at approximately 2250 hours, Yazdi contacted Seton Hospital, 3rd Floor, Telemetry Unit, where his mother is employed as a Registered Nurse. The Charge Nurse for the 3rd floor Telemetry Unit was contacted several times by Yazdi, Nima, with a phone number of (310) 650-6508, in regard to his mother. Yazdi became upset when advised by hospital staff that his mother was not currently on site. Yazdi said he did not appreciate the way his mother was being treated by coworkers and management. Yazdi further stated that if staff and management did not treat his mother right, he would be on her side and "come down there if he had to." Yazdi told hospital staff about his criminal history and expanded on how he just recently was released from prison.

On December 20, 2016, a call was received at Seton Hospital, 3rd floor Telemetry Unit. The Charge Nurse for the floor, contacted Seton Security to report a subject calling the unit and immediately hanging up. According to Seton Hospital Security reports, the caller identified

through caller identification as Yazdi, Nima, phone number (310) 650-6508 contacted the hospital and threatened to rape and sodomize one of the nurses, kill her fiancé, and then kill her. The caller threatened to kill a Seton Security Officer by shooting him in the chest. The caller, who identified himself to Seton Security as "Nima," then advised security that he had placed a bomb in the hospital to prove a point.

Later on December 20, 2016, Yazdi again contacted Seton Hospital, with a number of (310) 650-6508. Yazdi told a Seton Security Officer that the Austin Police Officers handling this case were cowards and if they wanted him, to come and get him. Yazdi discussed his criminal history, which Yazdi said included Robbery. Yazdi further stated that, "people only respond to force or violence" and "you never know who you are dealing with." Yazdi said that he was bitter with the world.

On January 19, 2017, your affiant interviewed a Seton Hospital Security Officer in regard to the incident on December 20, 2016. The Security Officer told your affiant that the Austin Police Department was notified and responded to Seton Hospital. The Security Officer told your affiant that Yazdi was coherent and calm when talking about placing a bomb in the hospital and raping and killing the employees. The Security Officer told your affiant the affected employees were provided escorts to and from their vehicles. Seton Hospital placed a system wide alert for Yazdi.

On January 24, 2017, Yazdi was arrested within the City of Austin, Travis County, Texas for Unlawful Possession of a Firearm by a felon. Yazdi was involved in an altercation with another subject while in line at HEB Grocery Store, located at 5808 Burnet Road, Austin, Texas, where Yazdi brandished a firearm at another patron of the store while in the checkout line. The firearm was identified as a Ruger, model SR22, serial number 36658367.

Your affiant reviewed the cell phone records associated with number (310) 650-6508, which included cell tower longitude and latitude, with which the phone was connected. Your affiant determined that the longitude and latitude on the phone number (310)650-6508, used to make the call to Seton Hospital on December 20, 2016, appears to have connected to a tower owned by AT&T in the state of Wyoming, meaning that the telephone was transmitting signals across state lines to Seton Hospital when the bomb threat was made.

On February 8, 2016, TFO Chris Rybarski contacted SA Daniel Mueller with the Bureau of Alcohol, Tobacco, Firearms, and Explosives to conduct a NEXUS on the firearm found in the possession of Yazdi. SA Mueller stated that the aforementioned firearm traveled in and affected interstate commerce.

Based on the above information, your affiant believes probable cause exists to show that Nima Attarpour Yazdi has violated Title 18 United States Code, Section 844(e), 922(g) in Austin, Travis County, Western Judicial District of Texas.